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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/938,973	08/24/2001	Steven E. Adams	P-107292(UTI)	2148

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03/25/2004

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EXAMINER

LE, DEBBIE M

ART UNIT	PAPER NUMBER
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2177

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/938,973

Applicant(s)

ADAMS ET AL.

Examiner

DEBBIE M LE

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11, 12, 14, 16-22, 24, 26-32 and 34-41 is/are rejected.
- 7) ☒ Claim(s) 13, 15, 23, 25 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Applicant's claim for domestic priority under 35 U.S.C. 119(e) is acknowledged.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on 1/14/02 is in compliance with the provisions of 37 CFR 1.97 and has been considered by the examiner.

Specification

The disclosure is objected to because of the following informalities:

In page 13, line 21, there is a typographical "quering".

Appropriate correction is required.

Claim Objections

Claim 11 is objected to because of the following informalities:

In line 4, a period "." after the term "electronic data" should be changed to ;

Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 11-12, 14, 16-22, 24, 26^{over}32, 34-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freunde et al (USP 5,809,497) in view of Sankaran et al (USP 5,794,246).

As per claims 1, 21 and 31 Freund discloses a system for storing computer data records comprising:

providing a storage device capable of storing electronic data (Databank (storage)), said storage device containing a first set of electronic data (col. 3, lines 29-32);

accessing said first set of electronic data (col. 3, lines 51-54);

analyzing said first set of data (*interpret*, col. 3, lines 47-51) to determine a structure associated with said first set of data (*how the data should be presented*, col. 6, lines 27-28, col. 8, lines 45-67).

Freund does not explicitly teach tokenizing said first set of data and assigning a first plurality of tokenized symbolic identifiers to said first set of data based upon said structure of said first set of data. However, Sankaran discloses tokenizing said first set of data (*group of items*; col. 4, lines 18) and assigning a first plurality of tokenized symbolic identifiers to said first set of data based upon said structure of said first set of data (fig. 3a, *group identifiers*; col. 6, lines 51-52). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of the cited references to implement the step of tokenized data and assigning identifiers to the tokenized data because it enable a system with an efficient and be able to easily aggregate sets of data stored so that the data can be accurated categorized.

Claim 12 is rejected by the same rationale as state in independent claim 1 above. Furthermore, Freund teaches combination of similar types of records (col. 7, lines 34-67). Sankaran also teaches comparing said second plurality of identifiers to said first plurality of identifiers; and if said second plurality of identifiers substantially matches said first plurality of identifiers (col. 4, lines 37-40). However, Freund does not explicit teach storing said second set of data within a first data storage structure on said storage device, but Sankaran teaches storing said second set of data within a first data storage structure on said storage device (fig. 1, # 115, col. 4, lines 48-55).

As per claim 14, Freund teaches compiling a first collection of tokenized symbolic identifiers for use in searching and extracting said computer intelligible electronic data (col. 6, lines 66-67, col. 9, lines 1-41).

As per claims 16-17, Freund teaches assigning a first and second plurality of positional pointers (indexing) to said first and second plurality of identifiers, said first and second plurality of positional pointers capable of linking said first set of data to said first and second plurality of identifiers (col. 6, lines 43-65, *corresponding locations*, col. 11, line 37, lines 8-23).

As per claims 18-19, Freund teaches assigning a first and second plurality of logical pointers to said first and second plurality of identifiers, said first and second plurality of logical pointers capable of linking tokenized symbolic identifiers of said first and second plurality of identifiers (*logical fields*, col. 5, lines 60-64, col. Col. 10, lines 66-67, col. 11, lines 47-49).

As per claim 20, Sankaran teaches storing a collection of electronic data elements, each electronic data element of said collection being associated with one or more tokenized symbolic identifiers (Fig. 1, # 115, fig. 3a, *group identifiers*; col. 6, lines 51-52). Freund teaches receiving at least one user query (col. 9, lines 35-41); utilizing said collection of said electronic data elements, translating said user query into one or more associated tokenized symbolic identifiers; and executing said translated user query using said associated tokenized symbolic identifiers (col. 20, lines 50-67).

Claims 22, 24, 26, 32, 34-41 have similar limitations as claims 12, 14, 16-20; therefore, they are rejected by the same subject matter.

Allowable Subject Matter

Claims 13,15, 23, 25 and 33 are allowable because the prior art of record fails to teach or fairly suggest if said second plurality of identifiers does not substantially match said first plurality of identifiers, creating a second data storage structure within said storage device; and storing said second set of data within said second storage structure of said storage device.

Claims 13,15, 23, 25 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

If a reference indicated as being mailed on PTO-FORM 892 has not been enclosed in this action, please contact Lisa Craney whose phone number is (703) 305-9601 for faster service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DEBBIE M LE whose telephone number is 703-308-6409. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, JOHN BREENE can be reached on 703-305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



DEBBIE M LE
Examiner
Art Unit 2177

Debbie Le

March 15, 2004.



GRETA ROBINSON
PRIMARY EXAMINER